



General Assembly

***Amendment***

***February Session, 2006***

**LCO No. 2718**

**\*HB0568402718SR0\***

Offered by:

SEN. GUNTHER, 21<sup>st</sup> Dist.

SEN. FREEDMAN, 26<sup>th</sup> Dist.

To: House Bill No. **5684**

File No.

Cal. No.

***"AN ACT CONCERNING REFORM OF THE STATE CONTRACTING  
PROCESS."***

1 Strike sections 12 and 24 in their entirety and renumber the  
2 remaining sections and internal references accordingly

3 In line 632, strike "On and"

4 Strike lines 633 and 634 in their entirety

5 In line 635, strike "under subsection (b) of section 12 of this act."

6 After line 1274, insert the following and renumber the remaining  
7 section accordingly:

8 "Sec. 24. Section 4b-3 of the general statutes is repealed and the  
9 following is substituted in lieu thereof (*Effective October 1, 2006*):

10 (a) There is established a State Properties Review Board which shall  
11 consist of six members appointed as follows: The speaker of the House

12 and president pro tempore of the Senate shall jointly appoint three  
13 members, one of whom shall be experienced in matters relating to  
14 architecture, one experienced in building construction matters and one  
15 in matters relating to engineering; and the minority leader of the  
16 House and the minority leader of the Senate shall jointly appoint three  
17 members, one of whom shall be experienced in matters relating to the  
18 purchase, sale and lease of real estate and buildings, one experienced  
19 in business matters generally and one experienced in the management  
20 and operation of state institutions. No more than three of said six  
21 members shall be of the same political party. One of the members first  
22 appointed by the speaker and the president pro tempore shall serve a  
23 two-year term, one shall serve a three-year term and one shall serve a  
24 four-year term. One of the members first appointed by the minority  
25 leaders of the House and Senate shall serve a two-year term, one shall  
26 serve a three-year term and one shall serve a four-year term. All  
27 appointments of members to replace those whose terms expire shall be  
28 for a term of four years and until their successors have been appointed  
29 and qualified. If any vacancy occurs on the board, the appointing  
30 authorities having the power to make the initial appointment under  
31 the provisions of this section shall appoint a person for the unexpired  
32 term in accordance with the provisions hereof.

33 (b) The chairman of the board shall be compensated two hundred  
34 dollars per diem up to a maximum of thirty thousand dollars annually.  
35 Other members of the board shall be compensated two hundred  
36 dollars per diem up to a maximum of twenty-five thousand dollars  
37 annually. The members of the board shall choose their own chairman.  
38 No person shall serve on this board who holds another state or  
39 municipal governmental position and no person on the board shall be  
40 directly involved in any enterprise which does business with the state  
41 or directly or indirectly involved in any enterprise concerned with real  
42 estate acquisition or development.

43 (c) The board may adopt such rules as it deems necessary for the  
44 conduct of its internal affairs, in accordance with section 4-167, and  
45 may employ an executive director, a real estate examiner, a financial

46 administrative assistant, a secretary, a clerk, and within its budget,  
47 such additional employees as it shall deem necessary.

48 (d) Notwithstanding any other statute or special act to the contrary,  
49 the Commissioner of Public Works shall be the sole person authorized  
50 to represent the state in its dealings with third parties for the  
51 acquisition, construction, development or leasing of real estate for  
52 housing the offices or equipment of all agencies of the state or for the  
53 state-owned public buildings or realty hereinafter provided for in  
54 section 2-90, sections 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, as amended,  
55 4b-24, 4b-26, 4b-27, 4b-30 and 4b-32, subsection (c) of section 4b-66,  
56 sections 4b-67 to 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-72, 10a-89,  
57 10a-90, 10a-114, 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-45,  
58 32-1c, 32-39, 48-9, 51-27d and 51-27f, except that the Joint Committee  
59 on Legislative Management may represent the state in the planning  
60 and construction of the Legislative Office Building and related  
61 facilities, in Hartford; the board of trustees of a constituent unit of the  
62 state system of higher education may represent the state in the leasing  
63 of real estate for housing the offices or equipment of such constituent  
64 unit provided no lease payments for such realty are made with funds  
65 generated from the general revenues of the state; the Labor  
66 Commissioner may represent the state in the leasing of premises  
67 required for employment security operations as provided in subsection  
68 (c) of section 31-250; the Commissioner of Mental Retardation may  
69 represent the state in the leasing of residential property as part of the  
70 program developed pursuant to subsection (b) of section 17a-218, as  
71 amended, provided such residential property does not exceed two  
72 thousand five hundred square feet, for the community placement of  
73 persons eligible to receive residential services from the department  
74 and the Connecticut Marketing Authority may represent the state in  
75 the leasing of land or markets under the control of the authority, and,  
76 except for the housing of offices or equipment in connection with the  
77 initial acquisition of an existing state mass transit system or the leasing  
78 of land by said Marketing Authority for a term of one year or more in  
79 which cases the actions of the Department of Transportation and the

80 Marketing Authority shall be subject to the review and approval of the  
81 State Properties Review Board. Said commissioner shall have the  
82 power to establish and implement any procedures necessary for him to  
83 assume his responsibilities as said sole bargaining agent for state realty  
84 acquisitions and shall perform the duties necessary to carry out such  
85 procedures. He may appoint, within his budget and subject to the  
86 provisions of chapter 67, such personnel deemed necessary by him to  
87 carry out the provisions hereof, including experts in real estate,  
88 construction operations, financing, banking, contracting, architecture  
89 and engineering. The Attorney General's office, at the request of the  
90 commissioner, shall assist the commissioner in contract negotiations  
91 regarding the purchase, lease or construction of real estate.

92 (e) The State Properties Review Board shall be an independent body  
93 within the Executive Department.

94 (f) The State Properties Review Board shall review real estate  
95 acquisitions, sales, leases and subleases, license agreements and any  
96 other agreements relating to acquisition or disposal of an interest in  
97 real property proposed by the Commissioner of Public Works, the  
98 acquisition, other than by condemnation, or the sale, sublease or lease  
99 of any property or the entry into any license agreement relating to the  
100 property by the Commissioner of Transportation under subdivision  
101 (12) of section 13b-4, subject to section 4b-23, as amended, and  
102 subsection (h) of section 13a-73 and review, for approval or  
103 disapproval, any contract for a project described in subsection (h) of  
104 section 4b-91, as amended. Such review shall consider all aspects of the  
105 proposed actions, including feasibility and method of acquisition and  
106 the prudence of the business method proposed. The board shall also  
107 cooperate with and advise and assist the Commissioner of Public  
108 Works and the Commissioner of Transportation in carrying out their  
109 duties. The board shall have access to all information, files and records,  
110 including financial records, of the Commissioner of Public Works and  
111 the Commissioner of Transportation, and shall, when necessary, be  
112 entitled to the use of personnel employed by said commissioners. The  
113 board shall approve or disapprove any acquisition of development

114 rights of agricultural land by the Commissioner of Agriculture under  
115 section 22-26cc, as amended.

116 (g) The General Assembly may approve legislation authorizing an  
117 exception to the review requirements of this section, provided the  
118 Governor issues a declaration of emergency requiring such an  
119 exception and such legislation is approved, in whole, by a three-fifths  
120 vote of the members of each house of the General Assembly. In the  
121 event that the General Assembly approves legislation authorizing an  
122 exception to the review requirements of this section, the State  
123 Properties Review Board shall have ten days to complete an expedited  
124 review of the proposed action and approve or disapprove such action  
125 not later than ten days after the enactment of such legislation. Such  
126 review shall be conducted in accordance with the provisions of section  
127 4b-3.

128 Sec. 25. Subsection (i) of section 4b-23 of the 2006 supplement to the  
129 general statutes is repealed and the following is substituted in lieu  
130 thereof (*Effective October 1, 2006*):

131 (i) As used in this subsection, (1) "project" means any state program,  
132 except the downtown Hartford higher education center project, as  
133 defined in subsection (l) of section 4b-55, as amended, requiring  
134 consultant services if (A) the cost of such services is estimated to  
135 exceed fifty thousand dollars or, in the case of a constituent unit of the  
136 state system of higher education, the cost of such services is estimated  
137 to exceed three hundred thousand dollars, or (B) (i) the construction  
138 costs in connection with such program are estimated to exceed five  
139 hundred thousand dollars or, in the case of a constituent unit of the  
140 state system of higher education, other than The University of  
141 Connecticut, the construction costs in connection with such program  
142 are estimated to exceed two million dollars, and (ii) the cost of a  
143 consultant services contract for such program exceeds twenty  
144 thousand dollars or the cost of an amendment to a consultant services  
145 contract makes the total cost of the amendment, all previous  
146 amendments to such contract and the contract exceed twenty thousand

147 dollars for the first time; (2) "consultant" means "consultant" as defined  
148 in section 4b-55, as amended; and (3) "consultant services" means  
149 "consultant services" as defined in section 4b-55, as amended. Any  
150 consultant selected by the commissioner, and any contracts entered  
151 into by the commissioner with any consultants for employment, on  
152 any project under the provisions of this section, shall be subject to the  
153 approval of the Properties Review Board prior to the employment of  
154 said consultant or consultants by the commissioner. The Properties  
155 Review Board shall, within thirty days, approve or disapprove the  
156 selection of or contract with any consultant made by the Commissioner  
157 of Public Works pursuant to sections 4b-1 and 4b-55 to 4b-59, inclusive,  
158 as amended. If upon the expiration of the thirty-day period a decision  
159 has not been made, the Properties Review Board shall be deemed to  
160 have approved such selection or contract. In determining costs for the  
161 purposes of this subsection, costs for similar services with respect to a  
162 project shall be aggregated.

163 Sec. 26. Section 4b-24 of the general statutes is repealed and the  
164 following is substituted in lieu thereof (*Effective October 1, 2006*):

165 In acting as the determining authority in fulfilling the needs of the  
166 various departments and agencies of state government, except the  
167 Legislative Department, and choosing the method of acquisition which  
168 shall be pursued in the open competitive market, the commissioner  
169 shall:

170 (1) (A) Compile and maintain comprehensive and complete  
171 inventories of all the improved and unimproved real estate available to  
172 the state by virtue of ownership or lease. The actual mechanical  
173 compilation of such inventories may be handled, at the request of the  
174 commissioner, by the Secretary of the Office of Policy and  
175 Management; provided such compilation shall be available to the  
176 Commissioner of Public Works at all times. Such inventory shall be  
177 used by the commissioner as the primary source for meeting state  
178 needs, and shall be shared with the review board and with the  
179 Secretary of the Office of Policy and Management; (B) prepare an

180 annual inventory of improved and unimproved real estate which is  
181 owned by the state and which is unused or underutilized and study  
182 and make recommendations concerning the reuse or disposition of  
183 such real estate; (C) identify in the inventories required under  
184 subparagraphs (A) and (B) of this subdivision, existing buildings that  
185 (i) are of historic, architectural or cultural significance, including  
186 buildings listed or eligible to be listed in the national register  
187 established under the National Historic Preservation Act of 1966, 80  
188 Stat. 915 (1966), 16 USC 470a<sub>2</sub> and (ii) would be suitable, whether or  
189 not in need of repair, alteration or addition, to meet the public building  
190 needs of the state or to meet the needs of the public in accordance with  
191 the provisions of subsection (m) of section 4b-23, as amended.

192 (2) Whenever realty uses designed uniquely for state use and for  
193 periods over five years are concerned, the commissioner shall,  
194 whenever practicable, attempt to purchase, lease-purchase or construct  
195 on state-owned land. In such cases leases shall be used only when  
196 other possibilities have been eliminated as not feasible, in the opinion  
197 of the commissioner.

198 (3) Whenever the commissioner has established specific plans and  
199 specifications for new construction on state land or new construction  
200 for sale to the state: (A) If it appears to the commissioner that the cost  
201 of the project shall be less than five hundred thousand dollars,  
202 contracts shall be made, where practicable, through a process of sealed  
203 bidding as provided in section 4b-91, as amended by this act, relating  
204 to projects in excess of five hundred thousand dollars; (B) if it appears  
205 to the commissioner that the space needs of the requesting agency are  
206 less than five thousand square feet, the commissioner shall, whenever  
207 practicable, carry on advertising, in accordance with the provisions of  
208 section 4b-34 relating to projects in excess of five thousand square feet,  
209 in order to allow an equal opportunity for third parties to do business  
210 with the state without regard to political affiliation, political  
211 contributions or relationships with persons in state, federal or local  
212 governmental positions.

213 (4) The commissioner may designate projects to be accomplished on  
214 a total cost basis for (A) new facilities to provide for the substantial  
215 space needs of a requesting agency, (B) the installation of mechanical  
216 or electrical equipment systems in existing state facilities, or (C) the  
217 demolition of any state facility that the commissioner is authorized to  
218 demolish under the general statutes. If the commissioner designates a  
219 project as a designated total cost basis project, the commissioner may  
220 enter into a single contract with a private developer which may  
221 include such project elements as site acquisition, architectural design  
222 and construction. The commissioner shall select a private developer  
223 from among the developers who are selected and recommended by the  
224 award panels established in this subdivision. All contracts for such  
225 designated projects shall be based on competitive proposals received  
226 by the commissioner, who shall give notice of such project, and  
227 specifications for the project, by advertising, at least once, in a  
228 newspaper having a substantial circulation in the area in which such  
229 project is to be located. In no case shall the solicitation of competitive  
230 proposals for projects by electronic means be substituted for print  
231 advertisements. No contract which includes the construction,  
232 reconstruction, alteration, remodeling, repair or demolition of any  
233 public building for work by the state for which the total cost is  
234 estimated to be more than five hundred thousand dollars may be  
235 awarded to a person who is not prequalified for the work in  
236 accordance with section 4a-100. The commissioner shall determine all  
237 other requirements and conditions for such proposals and awards and  
238 shall have sole responsibility for all other aspects of such contracts.  
239 Such contracts shall state clearly the responsibilities of the developer to  
240 deliver a completed and acceptable product on a date certain, the  
241 maximum cost of the project and, as a separate item, the cost of site  
242 acquisition, if applicable. No such contract may be entered into by the  
243 commissioner without the prior approval of the State Properties  
244 Review Board and unless funding has been authorized pursuant to the  
245 general statutes or a public or special act.

246 (5) Whenever a bid is made to the commissioner for any purpose



247 regarding the use of land or whenever any person proposes to sell or  
248 lease land to the state, the bidder or such person shall be the owner of  
249 the land, or the commissioner shall have the option to void any  
250 contract subsequently made with said bidder or third person.

251 (6) In all dealings with the commissioner the owner of record or  
252 beneficial owner shall be disclosed to the commissioner and the bid  
253 shall be revealed to the owner of record or beneficial owner or the  
254 commissioner shall have the option to void any contract subsequently  
255 made concerning any such dealing.

256 (7) After the authorization of a project under the provisions of  
257 section 4b-23, as amended, the public auditors of the state and the  
258 auditors or accountants of the Commissioner of Public Works shall  
259 have the right to audit the books of any contractor employed by the  
260 commissioner pursuant to such authorization, or of any party  
261 negotiating with the commissioner for the acquisition of land by lease  
262 or otherwise; provided, however, that any such audit shall be limited  
263 to the project authorized by the commissioner and the Properties  
264 Review Board, and provided further that in the case of a party  
265 negotiating with the commissioner, such audit may also be conducted  
266 after the negotiations have ended, if a contract is consummated with  
267 the commissioner.

268 Sec. 27. Section 4b-55 of the 2006 supplement to the general statutes  
269 is repealed and the following is substituted in lieu thereof (*Effective*  
270 *October 1, 2006*):

271 As used in this section, section 4b-1 and sections 4b-56 to 4b-59,  
272 inclusive, unless the context clearly requires otherwise:

273 (a) "Commissioner" means the Commissioner of Public Works;

274 (b) "Consultant" means (1) any architect, professional engineer,  
275 landscape architect, land surveyor, accountant, interior designer,  
276 environmental professional or construction administrator, who is  
277 registered or licensed to practice such person's profession in

278 accordance with the applicable provisions of the general statutes, or (2)  
279 any planner or financial specialist;

280 (c) "Consultant services" shall include those professional services  
281 rendered by architects, professional engineers, landscape architects,  
282 land surveyors, accountants, interior designers, environmental  
283 professionals, construction administrators, planners or financial  
284 specialists, as well as incidental services that members of these  
285 professions and those in their employ are authorized to perform;

286 [(d) "University of Connecticut library project" means a project to  
287 renovate and improve the Homer Babbidge Library at The University  
288 of Connecticut;]

289 [(e)] (d) "Firm" means any individual, partnership, corporation, joint  
290 venture, association or other legal entity (1) authorized by law to  
291 practice the profession of architecture, landscape architecture,  
292 engineering, land surveying, accounting, interior design,  
293 environmental or construction administration, or (2) practicing the  
294 profession of planning or financial specialization;

295 [(f) "Priority higher education facility project" means any project  
296 which is part of a state program to repair, renovate, enlarge, equip,  
297 purchase or construct (1) instructional facilities, (2) academic core  
298 facilities, including library, research and laboratory facilities, (3)  
299 student residential or related student dining facilities, or (4) utility  
300 systems related to such projects, which are or will be operated under  
301 the jurisdiction of the board of trustees of any constituent unit of the  
302 state system of higher education, except The University of Connecticut  
303 provided the project is included in the comprehensive facilities master  
304 plan of the constituent unit pursuant to section 10a-4a or in the most  
305 recent state facility plan of the Office of Policy and Management  
306 pursuant to section 4b-23;]

307 [(g)] (e) "Project" means any state program requiring consultant  
308 services if (1) the cost of such services is estimated to exceed fifty  
309 thousand dollars or, in the case of a constituent unit of the state system

310 of higher education, the cost of such services is estimated to exceed  
311 three hundred thousand dollars, and (2) the construction costs in  
312 connection with such program are estimated to exceed five hundred  
313 thousand dollars; or, in the case of a constituent unit of the state  
314 system of higher education, other than The University of Connecticut,  
315 the construction costs in connection with such program are estimated  
316 to exceed two million dollars. In determining costs for the purposes of  
317 this subsection, costs for similar services with respect to a project shall  
318 be aggregated;

319 [(h)] (f) "Selection panel" or "panel" means the State Construction  
320 Services Selection Panel established pursuant to subsection (a) of  
321 section 4b-56 or, in the case of a Connecticut Health and Education  
322 Facilities Authority project pursuant to section 10a-186a, as amended,  
323 means the Connecticut Health and Education Facilities Authority  
324 Construction Services Panel established pursuant to subsection (c) of  
325 section 4b-56; and

326 [(i)] (g) "User agency" means the state department or agency  
327 requesting the project or the agency for which such project is being  
328 undertaken pursuant to law. [;]

329 [(j)] "Community court project" means (1) any project to renovate  
330 and improve a facility designated for the community court pilot  
331 program established pursuant to section 51-181c, and (2) the  
332 renovation and improvement of other state facilities required for the  
333 relocation of any state agency resulting from the placement of the  
334 community court;

335 (k) "Connecticut Juvenile Training School project" means a project  
336 (1) to develop on a designated site new facilities for a Connecticut  
337 Juvenile Training School in Middletown including, but not limited to,  
338 preparing a feasibility study for, designing, constructing,  
339 reconstructing, improving or equipping said facility for use by the  
340 Department of Children and Families, which is an emergency project  
341 because there is an immediate need for completion of said project to

342 remedy overcrowding at Long Lane School; said school shall have an  
343 annual average daily population of not more than two hundred forty  
344 residents; or (2) to develop a separate facility for girls including, but  
345 not limited to, acquiring of land or buildings, designing, constructing,  
346 reconstructing, improving or equipping said facility for use by the  
347 Department of Children and Families;

348 (l) "Downtown Hartford higher education center project" means a  
349 project to develop a higher education center, as defined in  
350 subparagraph (B) of subdivision (2) of section 32-600, and as described  
351 in subsection (a) of section 32-612, for the regional community-  
352 technical college system;

353 (m) "Correctional facility project" means any project (1) which is  
354 part of a state program to repair, renovate, enlarge or construct  
355 facilities which are or will be operated by the Department of  
356 Correction, and (2) for which there is an immediate need for  
357 completion in order to remedy prison and jail overcrowding; and

358 (n) "Juvenile detention center project" means any project (1) which is  
359 part of a state program to repair, renovate, enlarge or construct  
360 juvenile detention centers which are or will be operated by the Judicial  
361 Department, and (2) for which there is an immediate need for  
362 completion in order to remedy overcrowding.]

363 Sec. 28. Section 4b-56 of the general statutes is repealed and the  
364 following is substituted in lieu thereof (*Effective October 1, 2006*):

365 (a) There shall be established within the Department of Public  
366 Works a State Construction Services Selection Panel which shall consist  
367 of five members. Four of such members shall be appointed by the  
368 commissioner, shall be current or retired employees of the Department  
369 of Public Works and shall serve for terms of one year from July first.  
370 The remaining member shall be appointed by the head or acting head  
371 of the user agency and shall serve only for deliberations involving the  
372 project for which he was appointed. If any vacancy occurs on the  
373 panel, the commissioner shall appoint a person for the unexpired term

374 in accordance with the provisions of this subsection.

375 (b) The selection panel shall not be deemed to be a board or  
376 commission within the meaning of section 4-9a, as amended.

377 (c) There shall be established within the Department of Public  
378 Works a Connecticut Health and Education Facilities Authority  
379 Construction Services Panel which shall consist of five members: Three  
380 of whom shall be appointed by the Commissioner of Public Works and  
381 shall be current employees of the Department of Public Works; and the  
382 remaining members shall be appointed by the head or acting head of  
383 the user agency and shall serve only for deliberations involving the  
384 project for which such member was appointed. The members of the  
385 selection panel appointed by the Commissioner of Public Works shall  
386 serve for terms of one year from July first. If any vacancy occurs on the  
387 panel, the Commissioner of Public Works or the head or acting head of  
388 the user agency, as appropriate, shall appoint a person for the  
389 unexpired term in accordance with the provisions of this subsection.

390 (d) The panel established pursuant to subsection (c) of this section  
391 shall not be deemed to be a board or commission within the meaning  
392 of section 4-9a, as amended. Such panel shall be the selection panel  
393 only for Connecticut Health and Education Facilities Authority  
394 projects pursuant to section 10a-89b.

395 (e) No person having a beneficial interest in any of the bidding  
396 entities or whose family members are employees of, or have such an  
397 interest in a bidding entity, shall be appointed to, or supervise the  
398 activities of, the Selection Panel or Construction Services Panel.

399 Sec. 29. Subsection (a) of section 4b-57 of the 2006 supplement to the  
400 general statutes is repealed and the following is substituted in lieu  
401 thereof (*Effective October 1, 2006*):

402 (a) Whenever consultant services are required by the commissioner  
403 in fulfilling his responsibilities under section 4b-1, and in the case of  
404 each project, the commissioner shall invite responses from such firms

405 by advertisements inserted at least once in one or more newspapers  
406 having a circulation in each county in the state. The commissioner shall  
407 prescribe, by regulations adopted in accordance with chapter 54, the  
408 advance notice required for, the manner of submission, and conditions  
409 and requirements of, such responses. In no case shall the solicitation of  
410 competitive proposals for consultant services or projects by electronic  
411 means be substituted for print advertisements.

412 Sec. 30. Section 4b-58 of the 2006 supplement to the general statutes  
413 is repealed and the following is substituted in lieu thereof (*Effective*  
414 *October 1, 2006*):

415 (a) [(1) Except in the case of a project, a priority higher education  
416 facility project, a project, as defined in subdivision (16) of section 10a-  
417 109c, undertaken by The University of Connecticut, a community court  
418 project, a correctional facility project, a juvenile detention center  
419 project, and the downtown Hartford higher education center project,  
420 the commissioner shall negotiate a contract for consultant services with  
421 the firm most qualified, in the commissioner's judgment, at  
422 compensation which the commissioner determines is both fair and  
423 reasonable to the state. (2)] In the case of a project, the commissioner  
424 shall negotiate a contract for such services with the most qualified firm  
425 from among the list of firms submitted by the panel at compensation  
426 which the commissioner determines in writing to be fair and  
427 reasonable to the state. If the commissioner is unable to conclude a  
428 contract with any of the firms recommended by the panel, the  
429 commissioner shall, after issuing written findings of fact documenting  
430 the reasons for such inability, negotiate with those firms which the  
431 commissioner determines to be most qualified, at fair and reasonable  
432 compensation, to render the particular consultant services under  
433 consideration. [(3) Whenever consultant services are required for a  
434 priority higher education facility project, a community court project, a  
435 correctional facility project, a juvenile detention center project, or the  
436 downtown Hartford higher education center project, the commissioner  
437 shall select and interview at least three consultants or firms and shall  
438 negotiate a contract for consultant services with the firm most

439 qualified, in the commissioner's judgment, at compensation which the  
440 commissioner determines is both fair and reasonable to the state,  
441 except that if, in the opinion of the commissioner, the Connecticut  
442 Juvenile Training School project needs to be expedited in order to meet  
443 the needs of the Department of Children and Families, the  
444 commissioner may waive such selection requirement. Except for the  
445 downtown Hartford higher education center project, the] The  
446 commissioner shall notify the State Properties Review Board of the  
447 commissioner's action not later than five business days after such  
448 action for its approval or disapproval in accordance with subsection (i)  
449 of section 4b-23, as amended, except that if, not later than fifteen days  
450 after such notice, a decision has not been made, the board shall be  
451 deemed to have approved such contract. If the commissioner fails to so  
452 notify the board within five business days, the board shall be deemed  
453 to have disapproved such contract.

454 (b) In determining fair and reasonable compensation to be paid in  
455 accordance with subsection (a) of this section, the commissioner shall  
456 consider, in the following order of importance, the professional  
457 competence of the consultant, the technical merits of the proposal, the  
458 ability of the firm to perform the required services within the time and  
459 budgetary limits of the contract and the price for which the services are  
460 to be rendered."